

1 Zoya Kovalenko (Cal. SBN 338624)
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4 Plaintiff Zoya Kovalenko

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 ZOYA KOVALENKO,) Case No. 4:22-cv-05990-HSG
12 Plaintiff,)
13 v.) PLAINTIFF'S NOTICE OF INTENT TO
14 KIRKLAND & ELLIS LLP, MICHAEL) OPPOSE DEFENDANT KIRKLAND &
DE VRIES, MICHAEL W. DEVRIES,) ELLIS LLP'S MOTION TO REDACT
15 P.C., ADAM ALPER, ADAM R. ALPER,) [DKT. NO. 16] PLAINTIFF'S COMPLAINT
P.C., AKSHAY DEORAS, AKSHAY S.) [DKT. NO. 1]
16 DEORAS, P.C., LESLIE SCHMIDT,) JURY TRIAL DEMANDED
LESLIE M. SCHMIDT, P.C., AND)
17 MARK FAHEY,) Judge: The Honorable Haywood S. Gilliam, Jr.
18 Defendants.)
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1 Plaintiff provides notice that it will oppose Defendant Kirkland & Ellis LLP
 2 (“**Defendant**”)’s Motion to Redact [Dkt. No. 16] Plaintiff’s Complaint [Dkt. No. 1], which
 3 Motion Defendant filed after the close of business on Wednesday, November 23, 2022. Plaintiff
 4 will submit her Opposition to the Court on Thursday, December 1, 2022, in advance of the time
 5 set forth to oppose a motion (two weeks from filing) pursuant to Civil Local Rule 7-3(a).¹ As
 6 Plaintiff’s Opposition will demonstrate, Defendant’s Motion is without merit for several reasons,
 7 including the following. First, Defendant applies the wrong legal standard—good cause rather
 8 than compelling reasons—for requesting redactions to information in a complaint, which courts
 9 consider akin to a dispositive motion. Second, Defendant assumes without explanation that
 10 information it proposes for redaction is protected under attorney-client privilege and/or as
 11 attorney-work product. Consequently, Defendant, as the party asserting attorney-client privilege
 12 and work-product protection, does not satisfy its burden of establishing that the privilege or
 13 protection applies to its proposed redactions. Third, Defendant fails to satisfy its burden to show
 14 information should be redacted based on the standard it has applied. Defendant: (i) fails to
 15 articulate adequate interests warranting redaction; (ii) provides only speculative and conclusory
 16 assertions of harm to demonstrate alleged injury; and (iii) does not address why a less restrictive
 17 alternative is not sufficient. Fourth, Defendant’s proposed redactions are inconsistent and
 18 unprincipled relative to other similar information in the Complaint, demonstrating the arbitrary
 19 and specious nature of its proposed redactions.

20 Respectfully submitted this 30th day of November, 2022.
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22 By: /s/ Zoya V. Kovalenko
 23 Zoya V. Kovalenko (Cal. SBN 338624)
 24 **Plaintiff**
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 27 ¹ Defendant improperly styled its Motion to Redact Plaintiff’s Complaint as an administrative
 motion, as Plaintiff’s Opposition will demonstrate.
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the United States of America that: (1) counsel representing Defendant Kirkland & Ellis LLP (“**Kirkland**”) is being served with a copy of the foregoing document via ECF; and (2) counsel representing each of Kirkland’s co-Defendants is being served with a copy of the foregoing document via email (Lynne Hermle, lchermle@orrick.com; Joseph Liburt, jliburt@orrick.com) on November 30, 2022.

/s/ Zoya Kovalenko
Zoya Kovalenko